

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HAL RICHARD LaVALLEY,

Petitioner,

v.

SUPERINTENDENT,

Respondent.

05-CV-1238
(TJM/VEB)

APPEARANCES:

OF COUNSEL:

HAL RICHARD LaVALLEY
Petitioner, *pro se*
02-A-2088
Franklin Correctional Facility
P.O. Box 10
Malone, NY 12953

HON. ANDREW M. CUOMO
Office of the Attorney General
State of New York
New York Habeas Division
120 Broadway
New York, NY 10271

MALANCHIA CHANDA, ESQ.

ORDER

Petitioner Hal Richard LaValley, proceeding *pro se*, commenced this action by filing a Petition for habeas corpus relief under 28 U.S.C. § 2254 on September 29, 2005. (Docket No.1). Respondent filed submissions in opposition on March 17, 2006. (Docket No. 12). The matter was referred to this Court by Order dated August 9, 2007. (Docket No. 15).

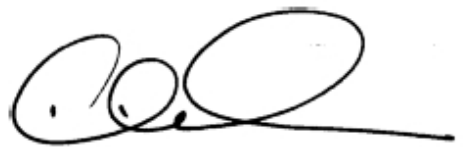
Upon reviewing the Petition and accompanying submissions, it appears that Petitioner submitted a blank Petition with respect to the grounds for habeas relief he is asserting. In another section of the Petition regarding previous appeals, LaValley lists the claims submitted on his behalf with respect to his state court appeal. However, this Court cannot presume that Petitioner necessarily intends to raise all of the claims asserted on direct appeal in his current habeas corpus action.

Accordingly, by Order dated September 26, 2007, Petitioner was ordered to file a corrected Petition on or before October 31, 2007. (Docket No.16). The Clerk of the Court also provided Petitioner with a copy of the official habeas corpus form to fill out and set forth, with particularity, the claims that he is asserting in this action. To date, Petitioner has failed to respond to the Court's order. Accordingly, Petitioner will be given fifteen (15) additional days to comply with this Court's September 26th Order and file a corrected Petition or it will be recommended that the Petition be dismissed for failure to state a claim upon which habeas relief can be granted.

The Clerk of the Court is directed to send Petitioner a copy of this Order, along with a second blank form petition for habeas relief under 28 U.S.C. § 2254.

IT IS SO ORDERED.

DATED: November 9, 2007
Syracuse, New York

A handwritten signature in black ink, appearing to read 'Victor E. Bianchini', written over a horizontal line.

Victor E. Bianchini
United States Magistrate Judge